



General Assembly

Distr.: General
5 June 2006
English
Original: Spanish

Sixtieth session

Agenda item 97 (t)

**General and complete disarmament: the illicit trade in
small arms and light weapons in all its aspects**

**Letter dated 25 May 2006 from the Permanent Representative of
Guatemala to the United Nations addressed to the President of the
General Assembly**

I have the honour, in my capacity as representative of the host country of the Regional Preparatory Meeting of the Latin American and Caribbean States for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in Antigua, Guatemala, from 2 to 4 May 2006, to attach herewith the text of the Declaration of Antigua, Guatemala, which was adopted by consensus (see annex).

Since this is an important contribution from the Latin American and Caribbean region, I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 97 (t).

(Signed) Jorge Skinner-Klée
Ambassador
Permanent Representative



Annex to the letter dated 25 May 2006 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

Antigua, Guatemala, Declaration of the Regional Preparatory Meeting of the Latin American and Caribbean States for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

[Original: English and Spanish]

From 2-4 May 2006, representatives of the Latin American and Caribbean States gathered in La Antigua, Guatemala, to seek a common approach to contribute a regional perspective to the work of the United Nations Conference to Review Progress Made in the Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, hereinafter referred to as the Review Conference, to be held in New York, from 26 June-7 July 2006, so that it may effectively and comprehensively help to address the problems arising from the illicit trade in small arms and light weapons, in all its aspects.

THE LATIN AMERICA AND CARIBBEAN STATES

REAFFIRMING the importance of a common approach to the Review Conference, taking into account the specific needs, progress and experience in individual countries, sub-regions and regions;

REAFFIRMING our strong commitment to the basic norms of International Law and the main principles enshrined in the Charter of the United Nations: sovereign equality of States; the peaceful resolution of disputes; the prohibition of the use or threat of use of force; and non-intervention in the internal affairs of States¹;

REAFFIRMING the importance of Article 51 of the United Nations Charter and *AGREEING* that the outcome of the Review Conference shall not undermine in any way their inherent right to self-defence, which implies that States also have the right to acquire arms with which to defend themselves;

REAFFIRMING ALSO the contents of the Brasilia Declaration adopted by consensus on 24 November 2000 by the Latin American and Caribbean States, at the Itamaraty Palace in Brazil, with the objective of providing the regional perspective to the work of the United Nations

¹ In relation to PP2, the Delegation of Uruguay recalls the relevance of mentioning the Charter of the Organization of American States (OAS)/ The Republic of El Salvador expresses its concern that the reference in PP2 to the Organization of American States (OAS) has been omitted.

Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, convened in New York from 9-20 July 2001;

REAFFIRMING an unshakeable will for the effective implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, hereinafter referred to as Programme of Action;

TAKING NOTE with satisfaction of the national reports on the implementation of the United Nations Programme of Action presented on a voluntary basis by States of the region and highlighting their commitment to the creation of national coordination mechanisms;

STRESSING the importance of Cooperation and International Assistance in the implementation of the Programme of Action and *EXPRESSING* their concern at the lack of progress in the implementation of the commitments in the areas of Cooperation and International Assistance in the Program of Action;

REAFFIRMING the importance of adopting measures to increase international cooperation in the prevention, combating and eradication of illicit brokering of small arms and light weapons;

RECOGNIZING that among various factors, the laxity or absence of national, regional and international regulations on the diversion of legally acquired and/or sold small arms and light weapons to the illicit market also has a subsequent impact on civilian deaths and victim toll, accidental or criminal, and *HIGHLIGHTING* the need to put in place effective measures to prevent, combat and eradicate illicit trade in small arms and light weapons in all its aspects;

RECOGNIZING that one aspect requiring continued attention is the promotion of measures, where appropriate and on a voluntary basis, to enhance transparency with a view to fully implementing the Programme of Action;

RECALLING that the illicit trade in small arms and light weapons in the region is mainly related to drug trafficking, terrorism, trans-national organized crime, mercenary activities and other criminal acts and conduct. Crime prevention must thus be an integral part of the approach to combating the illicit trade in small arms and light weapons²;

AGREEING on the importance of States to consider adherence to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, which complements the United Nations Convention against Transnational Organized Crime;

² The Bolivarian Republic of Venezuela expresses the following reservations: "The Bolivarian Republic of Venezuela considers that the direct link between illicit trafficking in small arms and light weapons and other criminal activities referred to in *PP11* attempts the principle of presumption of innocence of the accused, when attributing responsibilities to him regarding other crimes that have not been proven. This violates the fundamental norms of due process. For Venezuela, such an approach is not acceptable."

APPLAUDING the ratification by nearly all the Members of the Organization of American States of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials, and its Model Regulations, and *COMMEND* the work of the CIFTA-CICAD Group of Experts to prepare Model Legislation in the Areas Covered by the CIFTA that will become a useful tool for the full implementation at the national level of the Convention and calls upon American States that have not done so to ratify the Convention as a matter of priority;

RECOGNIZING the challenges posed by the increased illicit manufacturing of and trafficking in firearms, ammunition and explosives to the economic and social development of States, the maintenance of security of individual States and on the promotion and protection of all human rights³;

TAKING NOTE of the important work carried out by the United Nations General Assembly, through the adoption of resolutions related to the implementation of the Programme of Action;

TAKING NOTE of the work of the Security Council as complementary to the main role of the General Assembly, in providing, within its mandate, an opportunity to strengthen efforts by the international community and the United Nations system to prevent, combat and eradicate the illicit trade of small arms and light weapons in all its aspects;

ACKNOWLEDGING the work carried out in relation to prevention, combat and eradication of the illicit trade in small arms and light weapons in the region by hemispheric and sub-regional intergovernmental organizations⁴;

RECOGNIZING AND ENCOURAGING the efforts of national parliaments in the region to incorporate, as appropriate, relevant international legally-binding instruments against the illicit trade of small arms and light weapons in all its aspects, into domestic legislation and to improve controls on the transfer and use of firearms, ammunition and explosives;

BEARING in mind paragraph 21 of the preambular section of the Programme of Action and *RECOGNIZING* the need for further development of the recommendations contained in paragraphs 2, 11, 12, 13 and 14 of Chapter II of that Programme with regard to the issue of transfers, and recognizing also the need for objective, balanced, common, transparent, multilaterally agreed and non discriminatory criteria for arms transfers, based on existing legal obligations and express prohibitions⁵;

³ The Bolivarian Republic of Venezuela expresses the following reservations: "The Bolivarian Republic of Venezuela considers that the mandate of the Review Conference is to prevent, combat and eradicate trafficking of small arms and light weapons. Therefore, Venezuela wishes to point out that mention of negative impact on human rights can only be attributed to illegal activities undertaken by entities, groups and persons outside the law, and not to the legal arms between States."

⁴ The Republic of El Salvador expresses its concern that the reference in *PP17* to the Organization of American States (OAS) and to the Central American Integration System (CAIS) has been omitted.

⁵ The Bolivarian Republic of Venezuela expresses the following reservations: "The Bolivarian Republic of Venezuela considers that the scope of *PP19* under no circumstances impairs the sovereign rights of States to acquire weapons to meet their legitimate security and

RECOGNIZING that efforts related to the prevention, combating and eradication of the illicit trade of small arms and light weapons are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament⁶;

STRESSING the importance of work carried out by civil society in a responsible manner in assisting Member States, at their request, in the implementation of the Programme of Action;

ACKNOWLEDGING that the Review Conference provides a promising opportunity to consider, if necessary, further steps to advance in the implementation of the Programme of Action and the fight against criminal activities related to the illicit trade of arms and bring benefits in terms of economic and social development, and national, regional and international stability;

THE LATIN AMERICAN AND CARIBBEAN STATES

RECALL that the United Nations General Assembly Resolution 60/81 establishes, *inter alia*, that the objective of the Review Conference is to review progress made in the implementation of the Programme of Action in order to set the agenda for tackling problems in the illicit trade of small arms and light weapons by the international community beyond 2006 and **SUGGEST** that the review may be conducted taking into account the following;

IDENTIFY the obstacles that hinder the implementation of the Programme of Action and **PROPOSE** mechanisms that allow for surpassing them;

EXCHANGE experiences regarding the implementation of the Programme of Action and the progress achieved;

IDENTIFY steps that will allow for effective action by the international community to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;

TAKE the necessary measures to complement and continue advancing in the full and effective implementation of the Programme of Action and reaffirm the importance of fulfilling the commitments made by States to adopt the necessary measures at the national, regional and international levels in order to ensure its implementation in the shortest time possible;

COMMIT to implementing the "International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons" and to continue making efforts in order to achieve a legally binding instrument which includes the issue of ammunition;

defence needs." The Republic of Cuba wishes to express that analysis of the issue of the control of arms transfers is completely out of the mandate of the Programme of Action and, in consequence, considers that its inclusion in this Declaration is inappropriate.

⁶ The Delegation of Uruguay considers that PP20 shall not be interpreted as affecting the priority assigned to the issue of small arms and light weapons.

RECALL the need to implement the follow-up mechanism of the "International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons" as an integral part of the implementation of the Programme of Action;

RECOGNIZE that the problem of the illicit trade of ammunition is intrinsically linked to the illicit trade of small arms and light weapons;

CALL UPON United Nations Member States to begin a process to study effective ways and means of tackling this problem;

ACKNOWLEDGE that arms transfers through brokers poses the greatest risk for the diversion of small arms and light weapons to the illicit market and to non-authorized purposes or actors;

COMPLEMENT the Programme of Action by adopting measures aimed at regulating brokering activities in small arms and light weapons;

SUPPORT the adoption of a legally binding instrument on illicit brokering and the work of the Group of Governmental Experts;

RECALL once again the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations and *AGREE* to complement the Programme of Action with the adoption of common criteria at the international level to provide national authorities with tools to evaluate the authorization of transfers of small arms and light weapons with a view to avoiding their diversion to the illicit market, and to non-authorized uses or users⁷;

RECOGNIZE that these common criteria must contain technical and normative aspects, and acknowledge that they need to be objective, non-discriminatory, transparent, adopted at the multilateral level and take into account the particularities of each region. These criteria must also include a clear prohibition to the transfer of small arms and light weapons, understood as import, export and in-transit, which are not expressly authorized by the competent authorities in the country of import, export and in-transit;

ACKNOWLEDGE the need for the Review Conference to call upon States to put in place and/or enforce regulations on the civilian acquisition and possession of small arms and light weapons, with a view to, *inter alia*, preventing the diversion of legally acquired weapons to the illicit market. These measures may include, as appropriate limits on the type and/or quantity of weapons that civilians might acquire and possess, as well as strict licensing, authorization and record-keeping requirements;

⁷ The Bolivarian Republic of Venezuela expresses the following reservations: "The Bolivarian Republic of Venezuela considers that the scope of *OP/13* under no circumstances impairs the sovereign rights of States to acquire weapons to meet their legitimate security and defence needs."

RECALL that the Programme of Action makes reference to the need to adopt national controls on civilian possession and encourage States that have not already done so, to adopt adequate laws, regulations and administrative procedures to regulate the civilian possession of small arms and light weapons, as well as their use;

INVITE Member States to include in their annual National Reports a reference to the civilian possession regulations in place;

RECALL the contributions made by UN-LiREC and UNDP in providing assistance in the preparation of national reports;

SUGGEST the establishment of a database, within the framework of the Department for Disarmament Affairs, in consultation with United Nations Member States, for publication of best practices on different aspects of the Programme of Action, and call upon Member States in a position to do so, to contribute to such establishment;

CALL UPON UN Member States to identify and adopt, as appropriate, minimum standards for safety and security of stockpiles;

CALL UPON United Nations Member States to fully comply with the provisions contained in Chapter II of the Programme of Action regarding, *inter alia*, stockpile management; destruction of all confiscated, seized or collected small arms and light weapons; establishment of adequate and detailed standards and procedures for security of stocks; and identification and responsible disposal of surplus stocks;

INVITE United Nations Member States to take into account recommendations contained in the Secretary General's Report on Methods for the Destruction of Small Arms and Light Weapons and the Manual on Destruction of Small Arms and Light Weapons, Ammunition and Explosives, published by the Department of Disarmament Affairs;

RECOGNIZE and support the continuation of national and regional activities for the implementation of the Programme of Action undertaken by non-governmental organizations, in particular with regard to public awareness campaigns on combating the illicit traffic of small arms and light weapons;

SUPPORT the strengthening of the capacities of States, upon request, with the objective of enhancing and coordinating national policies to include all aspects relating to the problem of illicit trade in small arms and light weapons and improving the implementation of these policies;

UNDERLINE the urgent need for greater international cooperation, including technical and financial assistance, as well as capacity building, in order to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, as stipulated in the Programme of Action;

URGE increased access to financial and technical resources and the transfer of technology by States in a position to do so, in order to assist interested States, *inter alia*, in the creation and updating of databases for national small arms and light weapons registers;

CALL UPON States and International Organizations, in a position to do so, and upon request of the national competent authorities of the State concerned, to provide cooperation and assistance to contribute to the full implementation of the Programme of Action and to the outcome document to be adopted at the Review Conference of 2006;

SUPPORT the establishment of a permanent trust fund, under the auspices of the United Nations, and on the basis of voluntary contributions, to provide financial assistance and cooperation to facilitate the full implementation of the Programme of Action in all its aspects;

ACKNOWLEDGE the work carried out by the Department for Disarmament Affairs (DDA) through the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC), which is making an effective contribution to the implementation of the Programme of Action and *RECOMMEND* the continuation of this important regional platform;

RECOMMEND the establishment of a follow-up mechanism resulting from the Review Conference, in order to periodically review progress made in the implementation of the Programme of Action in all its aspects, and of the outcome documents adopted at the subsequent Conferences;

HIGHLIGHT the importance of convening a Conference no later than 2011 to review progress made in the implementation of the Programme of Action, the date and venue to be decided by the United Nations General Assembly;

UNDERLINE the importance of convening a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;

EXPRESS recognition and gratitude to the Government of the Republic of Guatemala for their initiative and hospitality in the Regional Preparatory Meeting of the Latin American and Caribbean States for the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

EXPRESS recognition and gratitude to the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC); United Nations Development Programme (UNDP) and the Ministry of Foreign Affairs and Cooperation of Spain for their technical and financial assistance in carrying out the conference.